Interim City Manager
Shirley Holm

City Secretary
D'Ann Lane

City Attorney
Epi Ysassi

City of George West

Mayor
Andrew J. Garza

Mayor Pro-Tem
Jearl Rannefeld

Council
Nathan Stroleny
Patricia Clifton
John Walker

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ORDINANCE NO. 922

AN ORDINANCE OF THE CITY OF GEORGE WEST AMENDING ORDINANCE NO. 21 FIREWORKS IN THE CITY LIMITS

WHERAS, the City of George West, Texas, acting through its duly elected City Council, desires to enact certain policies relating to fireworks in the city limits; and,

WHEREAS, the City Council believes these policies are critical in keeping our citizens safe; and,

WHEREAS, the City of George West, Texas, acting through its duly elected City Council, desires to amend Ordinance No. 21;

NOW, THEREFORE, BE IT ORDAINDED BY THE CITY COUNCIL OF THE CITY OF GEORGE WEST:

SECTION 1.

ARTICLE II-FIREWORKS

Sec 20.1 Definition

The term "fireworks" as used in this article shall mean and include any firecrackers, cannon crackers, skyrockets, torpedoes, roman candles, sparklers, squibs, fire balloons, star shells, gerbs, or any other substance in whatever combination by any designated named intended for use in obtaining visible or audible pyrotechnic display and shall include all articles or substances within the commonly accepted meaning of "fireworks" whether herein specially designated and defined or not.

Sec. 20.2 Fireworks Prohibited

It shall be unlawful for any person to manufacture, assemble, store, transport, receive, keep, sell, offer, or have in his possession with intent to sell, use, discharge, cause to be discharged, ignite, detonate, fire, or otherwise set in action any fireworks of any description, except as hereinafter provided.

Sec. 20.3 Declaration of nuisance; enforcement

The presence of any fireworks within the jurisdiction of the city in violation of this article is hereby declared to be a common and public nuisance. The police or fire department is directed and required to seize and cause to be destroyed any fireworks found within the jurisdiction in violation of this article.

Sec. 20.43 Exceptions

This article shall not apply to signal flares and torpedoes of the type and kind commonly used by any railroad and which signal flares and torpedoes are received by and transported by any such railroad for use in railroad operations. This article also does not apply to signal flares or rockets for military or police use, nor when a permit to use and discharge fireworks as defined herein has been issued by the City Secretary under the provisions of section 20.4.

Sec. 20.4 Public Exhibition

Any person desiring to put on a public exhibition, display, or showing of fireworks as defined herein, shall first obtain a permit to do so from the city secretary. No such permit shall be issued unless application for same has been filed in writing with the city secretary setting up the name of the exhibitor, the time, place, and nature of the display, the name of the sponsoring associations, and along with said application exhibitor must show financial responsibility in the amount of one hundred thousand dollars ($100,000.00) to consist of either acceptable liability insurance, surety bond, or cash bond. No permit for public exhibition of fireworks shall be issued within seven (7) days from date the application for same was filed with the city secretary. For issuance of the above-described permit, the city shall collect a fee of two dollars ($2.00) for which it shall issue a receipt.

Sec 20.5 Penalties

Any person who shall use, discharge, cause to be discharged, ignite, detonate, fire, or otherwise set in action any fireworks in violation of this article shall be fined not less than twenty-five dollars ($25.00). Any parent or guardian of any minor child below the age of fourteen (14) years who permits or allows such minor to use, discharge, ignite, detonate, fire,

or otherwise set in action any fireworks shall be likewise punished.

Sec 20.6 Territorial Applicability

This article shall be applicable and in force throughout Live Oak County territories of the city within its corporate limits.

SECTION 2. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of the Ordinance.

SECTION 3. Any previously enacted Ordinances found to be in conflict herewith are expressly repealed only to the extent that such conflict exists.

SECTION 4. This Ordinance shall become effective from and after the date of its final passage as provided by law.

FIRST READING PASSED and APPROVED this 26th day of July 2023.

ATTEST:_____ SIGNED: _____
D'Ann Lane, Andrew Garza,
City Secretary Mayor

SECOND READING PASSED and APPROVED this _____day of _____, 2023.

ATTEST:_____ SIGNED: _____
D'Ann Lane, Andrew Garza,
City Secretary Mayor